

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROBERT D. CARTER,

Petitioner,

vs.

ALICE PAYNE,

Respondent.

NO. CV-06-3066-JLQ

ORDER DISMISSING ACTION

By Order filed August 25, 2006, the court directed Mr. Carter to amend his *pro se* Habeas Petition to demonstrate his claims are both timely and properly exhausted. By Order filed October 30, 2006, the court directed Petitioner to show cause why his Petition should not be dismissed as Petitioner had not complied with the court's directive. Petitioner was cautioned that failure to do so would result in dismissal of this action. He has filed nothing further.

Accordingly, for the reasons set forth in the Order filed August 25, 2006, **IT IS ORDERED** Mr. Carter's Petition is **DISMISSED with prejudice** as time-barred under 28 U.S.C. § 2244(d) and as unexhausted under 28 U.S.C. § 2254(b)(1).

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order, enter judgment of dismissal, forward a copy to Petitioner, and close the file.

**DATED** this 12<sup>th</sup> day of December 2006.

s/ Justin L. Quackenbush  
JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE